



General Assembly

***Amendment***

***January Session, 2015***

**LCO No. 8843**



Offered by:

REP. TONG, 147<sup>th</sup> Dist.

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To: Subst. House Bill No. 7004

File No. 857

Cal. No. 464

***"AN ACT CONCERNING IMPLEMENTATION OF THE  
RECOMMENDATIONS OF THE TASK FORCE TO STUDY SERVICE  
OF RESTRAINING ORDERS."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 6-32 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) Each state marshal shall receive each process directed to such  
6 marshal when tendered, execute it promptly and make true return  
7 thereof; and shall, without any fee, give receipts when demanded for  
8 all civil process delivered to such marshal to be served, specifying the  
9 names of the parties, the date of the writ, the time of delivery and the  
10 sum or thing in demand. If any state marshal does not duly and  
11 promptly execute and return any such process or makes a false or  
12 illegal return thereof, such marshal shall be liable to pay double the

13 amount of all damages to the party aggrieved.

14 (b) A state marshal shall, as soon as possible, but not later than two  
15 hours after the time that service is executed for a restraining order  
16 issued pursuant to section 46b-15, as amended by this act, or a civil  
17 protection order issued pursuant to section 46b-16a, as amended by  
18 this act, input into the Judicial Branch's Internet-based service tracking  
19 system the date, time and method of service. If prior to the date of the  
20 scheduled hearing concerning the restraining order or civil protection  
21 order, service has not been executed, a state marshal shall input into  
22 the service tracking system that service was unsuccessful.

23 [(b)] (c) A civil [protective] protection order issued pursuant to  
24 section 46b-16a, as amended by this act, constitutes civil process for  
25 purposes of the powers and duties of a state marshal. The cost of  
26 serving a civil [protective] protection order issued pursuant to section  
27 46b-16a, as amended by this act, shall be paid by the Judicial Branch in  
28 the same manner as the cost of serving a restraining order issued  
29 pursuant to section 46b-15, as amended by this act, and fees and  
30 expenses associated with the serving of a civil [protective] protection  
31 order shall be calculated in accordance with subsection (a) of section  
32 52-261.

33 Sec. 2. Subsection (j) of section 6-38b of the general statutes is  
34 repealed and the following is substituted in lieu thereof (*Effective*  
35 *October 1, 2015*):

36 (j) The commission [may] shall adopt [such] rules as it deems  
37 necessary for conduct of its internal affairs, [and] including, but not  
38 limited to, rules that provide for: (1) The provision of timely, consistent  
39 and reliable access to a state marshal for persons applying for a  
40 restraining order under section 46b-15, as amended by this act; (2) the  
41 provision of services to persons with limited English proficiency; (3)  
42 the provision of services to persons who are deaf or hearing impaired;  
43 and (4) service of process that is a photographic copy, micrographic  
44 copy or other electronic image of an original document that clearly and

45 accurately copies such original document. The commission shall adopt  
46 regulations in accordance with the provisions of chapter 54 for the  
47 application and investigation requirements for filling vacancies in the  
48 position of state marshal.

49 Sec. 3. Section 46b-15 of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective October 1, 2015*):

51 (a) Any family or household member, as defined in section 46b-38a,  
52 who has been subjected to a continuous threat of present physical pain  
53 or physical injury, stalking or a pattern of threatening, including, but  
54 not limited to, a pattern of threatening, as described in section 53a-62,  
55 by another family or household member may make an application to  
56 the Superior Court for relief under this section.

57 (b) The application form shall allow the applicant, at the applicant's  
58 option, to indicate whether the respondent (1) holds a permit to carry a  
59 pistol or revolver, an eligibility certificate for a pistol or revolver, a  
60 long gun eligibility certificate or an ammunition certificate or possesses  
61 one or more firearms or ammunition, and (2) is employed in a position  
62 in which an essential requirement of such position is the ability to  
63 carry a firearm during the course of the respondent's employment. The  
64 application shall be accompanied by an affidavit made under oath  
65 which includes a brief statement of the conditions from which relief is  
66 sought. Upon receipt of the application the court shall order that a  
67 hearing on the application be held not later than fourteen days from  
68 the date of the order except that, if the application indicates the  
69 respondent is employed in a position in which an essential  
70 requirement of the position is the ability to carry a firearm during the  
71 course of employment, the court may take this circumstance into  
72 consideration in ordering a hearing on the application as soon as  
73 practicable, but not later than fourteen days from the date on which  
74 the application is filed. The court, in its discretion, may make such  
75 orders as it deems appropriate for the protection of the applicant and  
76 such dependent children or other persons as the court sees fit. In  
77 making such orders, the court, in its discretion, may consider relevant

78 court records if the records are available to the public from a clerk of  
79 the Superior Court or on the Judicial Branch's Internet web site. Such  
80 orders may include temporary child custody or visitation rights, and  
81 such relief may include, but is not limited to, an order enjoining the  
82 respondent from [(1)] (A) imposing any restraint upon the person or  
83 liberty of the applicant; [(2)] (B) threatening, harassing, assaulting,  
84 molesting, sexually assaulting or attacking the applicant; or [(3)] (C)  
85 entering the family dwelling or the dwelling of the applicant. Such  
86 order may include provisions necessary to protect any animal owned  
87 or kept by the applicant including, but not limited to, an order  
88 enjoining the respondent from injuring or threatening to injure such  
89 animal. If an applicant alleges an immediate and present physical  
90 danger to the applicant, the court may issue an ex parte order granting  
91 such relief as it deems appropriate. If a postponement of a hearing on  
92 the application is requested by either party and granted, the ex parte  
93 order shall not be continued except upon agreement of the parties or  
94 by order of the court for good cause shown. If a hearing on the  
95 application is scheduled or an ex parte order is granted and the court is  
96 closed on the scheduled hearing date, the hearing shall be held on the  
97 next day the court is open and any such ex parte order shall remain in  
98 effect until the date of such hearing.

99 (c) If the court issues an ex parte order pursuant to subsection (b) of  
100 this section and service has not been made on the respondent in  
101 accordance with subsection (h) of this section, upon request of the  
102 applicant, the court shall, based on the information contained in the  
103 original application, extend any ex parte order for an additional period  
104 not to exceed fourteen days from the originally scheduled hearing  
105 date. The clerk shall prepare a new order of hearing and notice  
106 containing the new hearing date, which shall be served upon the  
107 respondent in accordance with the provisions of subsection (h) of this  
108 section.

109 [(c)] (d) Any ex parte restraining order entered under subsection (b)  
110 of this section in which the applicant and respondent are spouses, or

111 persons who have a dependent child or children in common and who  
112 live together, may include, if no order exists, and if necessary to  
113 maintain the safety and basic needs of the applicant or the dependent  
114 child or children in common of the applicant and respondent, in  
115 addition to any orders authorized under subsection (b) of this section,  
116 any of the following: (1) An order prohibiting the respondent from (A)  
117 taking any action that could result in the termination of any necessary  
118 utility services or necessary services related to the family dwelling or  
119 the dwelling of the applicant, (B) taking any action that could result in  
120 the cancellation, change of coverage or change of beneficiary of any  
121 health, automobile or homeowners insurance policy to the detriment  
122 of the applicant or the dependent child or children in common of the  
123 applicant and respondent, or (C) transferring, encumbering, concealing  
124 or disposing of specified property owned or leased by the applicant; or  
125 (2) an order providing the applicant with temporary possession of an  
126 automobile, checkbook, documentation of health, automobile or  
127 homeowners insurance, a document needed for purposes of proving  
128 identity, a key or other necessary specified personal effects.

129 [(d)] (e) At the hearing on any application under this section, if the  
130 court grants relief pursuant to subsection (b) of this section and the  
131 applicant and respondent are spouses, or persons who have a  
132 dependent child or children in common and who live together, and if  
133 necessary to maintain the safety and basic needs of the applicant or the  
134 dependent child or children in common of the applicant and  
135 respondent, any orders entered by the court may include, in addition  
136 to the orders authorized under subsection (b) of this section, any of the  
137 following: (1) An order prohibiting the respondent from (A) taking any  
138 action that could result in the termination of any necessary utility  
139 services or services related to the family dwelling or the dwelling of  
140 the applicant, (B) taking any action that could result in the cancellation,  
141 change of coverage or change of beneficiary of any health, automobile  
142 or homeowners insurance policy to the detriment of the applicant or  
143 the dependent child or children in common of the applicant and  
144 respondent, or (C) transferring, encumbering, concealing or disposing

145 of specified property owned or leased by the applicant; (2) an order  
146 providing the applicant with temporary possession of an automobile,  
147 checkbook, documentation of health, automobile or homeowners  
148 insurance, a document needed for purposes of proving identity, a key  
149 or other necessary specified personal effects; or (3) an order that the  
150 respondent: (A) Make rent or mortgage payments on the family  
151 dwelling or the dwelling of the applicant and the dependent child or  
152 children in common of the applicant and respondent, (B) maintain  
153 utility services or other necessary services related to the family  
154 dwelling or the dwelling of the applicant and the dependent child or  
155 children in common of the applicant and respondent, (C) maintain all  
156 existing health, automobile or homeowners insurance coverage  
157 without change in coverage or beneficiary designation, or (D) provide  
158 financial support for the benefit of any dependent child or children in  
159 common of the applicant and the respondent, provided the respondent  
160 has a legal duty to support such child or children and the ability to  
161 pay. The court shall not enter any order of financial support without  
162 sufficient evidence as to the ability to pay, including, but not limited  
163 to, financial affidavits. If at the hearing no order is entered under this  
164 subsection or subsection [(c)] (d) of this section, no such order may be  
165 entered thereafter pursuant to this section. Any order entered pursuant  
166 to this subsection shall not be subject to modification and shall expire  
167 one hundred twenty days after the date of issuance or upon issuance  
168 of a superseding order, whichever occurs first. Any amounts not paid  
169 or collected under this subsection or subsection [(c)] (d) of this section  
170 may be preserved and collectible in an action for dissolution of  
171 marriage, custody, paternity or support.

172 [(e)] (f) Every order of the court made in accordance with this  
173 section shall contain the following language: (1) "This order may be  
174 extended by the court beyond one year. In accordance with section  
175 53a-107 of the Connecticut general statutes, entering or remaining in a  
176 building or any other premises in violation of this order constitutes  
177 criminal trespass in the first degree. This is a criminal offense  
178 punishable by a term of imprisonment of not more than one year, a

179 fine of not more than two thousand dollars or both."; and (2) "In  
180 accordance with section 53a-223b of the Connecticut general statutes,  
181 any violation of subparagraph (A) or (B) of subdivision (2) of  
182 subsection (a) of section 53a-223b constitutes criminal violation of a  
183 restraining order which is punishable by a term of imprisonment of  
184 not more than five years, a fine of not more than five thousand dollars,  
185 or both. Additionally, any violation of subparagraph (C) or (D) of  
186 subdivision (2) of subsection (a) of section 53a-223b constitutes  
187 criminal violation of a restraining order which is punishable by a term  
188 of imprisonment of not more than ten years, a fine of not more than ten  
189 thousand dollars, or both."

190 [(f)] (g) No order of the court shall exceed one year, except that an  
191 order may be extended by the court upon motion of the applicant for  
192 such additional time as the court deems necessary. If the respondent  
193 has not appeared upon the initial application, service of a motion to  
194 extend an order may be made by first-class mail directed to the  
195 respondent at the respondent's last-known address.

196 [(g)] (h) (1) The applicant shall cause notice of the hearing pursuant  
197 to subsection (b) of this section and a copy of the application and the  
198 applicant's affidavit and of any ex parte order issued pursuant to  
199 subsection (b) of this section to be served on the respondent not less  
200 than [five] three days before the hearing.

201 (2) Whenever (A) an application indicates that a respondent holds a  
202 permit to carry a pistol or revolver, an eligibility certificate for a pistol  
203 or revolver, a long gun eligibility certificate or an ammunition  
204 certificate or possesses one or more firearms or ammunition, and (B)  
205 the court has issued an ex parte order pursuant to this section, the  
206 proper officer responsible for executing service, prior to serving such  
207 order, shall (i) provide notice to the law enforcement agency or  
208 agencies for the town in which the respondent will be served  
209 concerning when and where the service will take place, (ii) send, or  
210 cause to be sent by facsimile or other means, a copy of the application,  
211 the applicant's affidavit, the ex parte order and the notice of hearing to

212 such law enforcement agency or agencies, and (iii) request that a police  
213 officer be present when service is executed by the proper officer. The  
214 cost of such service shall be paid for by the Judicial Branch. Upon the  
215 granting of an ex parte order, the clerk of the court shall provide two  
216 copies of the order to the applicant. Upon the granting of an order after  
217 notice and hearing, the clerk of the court shall provide two copies of  
218 the order to the applicant and a copy to the respondent. Every order of  
219 the court made in accordance with this section after notice and hearing  
220 shall be accompanied by a notification that is consistent with the full  
221 faith and credit provisions set forth in 18 USC 2265(a), as amended  
222 from time to time. Immediately after making service on the  
223 respondent, the proper officer shall (I) send or cause to be sent, by  
224 facsimile or other means, a copy of the application, or the information  
225 contained in such application, stating the date and time the respondent  
226 was served, to the law enforcement agency or agencies for the town in  
227 which the applicant resides, the town in which the applicant is  
228 employed and the town in which the respondent resides, and (II) as  
229 soon as possible, but not later than two hours after the time that  
230 service is executed, input into the Judicial Branch's Internet-based  
231 service tracking system the date, time and method of service. If, prior  
232 to the date of the scheduled hearing, service has not been executed, the  
233 proper officer shall input into the service tracking system that service  
234 was unsuccessful. The clerk of the court shall send, by facsimile or  
235 other means, a copy of any ex parte order and of any order after notice  
236 and hearing, or the information contained in any such order, to the law  
237 enforcement agency or agencies for the town in which the applicant  
238 resides, the town in which the applicant is employed and the town in  
239 which the respondent resides, within forty-eight hours of the issuance  
240 of such order, and immediately to the Commissioner of Emergency  
241 Services and Public Protection. If the victim is enrolled in a public or  
242 private elementary or secondary school, including a technical high  
243 school, or an institution of higher education, as defined in section 10a-  
244 55, the clerk of the court shall, upon the request of the victim, send, by  
245 facsimile or other means, a copy of such ex parte order or of any order  
246 after notice and hearing, or the information contained in any such



247 order, to such school or institution of higher education, the president  
248 of any institution of higher education at which the victim is enrolled  
249 and the special police force established pursuant to section 10a-156b, if  
250 any, at the institution of higher education at which the victim is  
251 enrolled.

252 [(h)] (i) A caretaker who is providing shelter in his or her residence  
253 to a person sixty years or older shall not be enjoined from the full use  
254 and enjoyment of his or her home and property. The Superior Court  
255 may make any other appropriate order under the provisions of this  
256 section.

257 [(i)] (j) When a motion for contempt is filed for violation of a  
258 restraining order, there shall be an expedited hearing. Such hearing  
259 shall be held within five court days of service of the motion on the  
260 respondent, provided service on the respondent is made not less than  
261 twenty-four hours before the hearing. If the court finds the respondent  
262 in contempt for violation of an order, the court may impose such  
263 sanctions as the court deems appropriate.

264 [(j)] (k) An action under this section shall not preclude the applicant  
265 from seeking any other civil or criminal relief.

266 (l) For purposes of this section, "police officer" means a state police  
267 officer or a sworn member of a municipal police department, and "law  
268 enforcement agency" means the Division of State Police within the  
269 Department of Emergency Services and Public Protection or any  
270 municipal police department.

271 Sec. 4. (NEW) (*Effective October 1, 2015*) In each superior court where  
272 a restraining order issued under section 46b-15 of the general statutes,  
273 as amended by this act, may be made returnable, the Chief Court  
274 Administrator shall, where feasible, work to allocate space in such  
275 court so as to permit a meeting between a person seeking service of the  
276 notice of hearing and any order issued under section 46b-15 of the  
277 general statutes, as amended by this act, and a state marshal.

278 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) The Chief Court  
279 Administrator shall revise and simplify the process for filing an  
280 application for relief from abuse under section 46b-15 of the general  
281 statutes, as amended by this act. The Chief Court Administrator shall  
282 ensure that any person seeking to file an application for relief from  
283 abuse is provided with a one-page, plain language explanation of how  
284 to apply for relief from abuse under section 46b-15 of the general  
285 statutes, as amended by this act.

286 (b) The Chief Court Administrator shall annually collect data on (1)  
287 the number of restraining orders issued under section 46b-15 of the  
288 general statutes, as amended by this act, and civil protection orders  
289 issued under section 46b-16a of the general statutes, as amended by  
290 this act; (2) the number of such orders that are not picked up by an  
291 applicant from the office of the clerk at the court location which issued  
292 the order; (3) the method of service of such orders in cases in which a  
293 respondent is successfully served with the order; and (4) the number of  
294 such orders issued that subsequently expire or are dismissed because  
295 the respondent could not be served with the order.

296 Sec. 6. Section 29-36k of the general statutes is repealed and the  
297 following is substituted in lieu thereof (*Effective October 1, 2015*):

298 (a) [Not later than two business days] Except as provided in  
299 subsection (b) of this section, not later than two business days after the  
300 occurrence of any event that makes a person ineligible to possess a  
301 pistol or revolver or other firearm or ammunition, such person shall (1)  
302 transfer in accordance with section 29-33 all pistols and revolvers  
303 which such person then possesses to any person eligible to possess a  
304 pistol or revolver and transfer in accordance with any applicable state  
305 and federal laws all other firearms to any person eligible to possess  
306 such other firearms by obtaining an authorization number for the sale  
307 or transfer of the firearm from the Commissioner of Emergency  
308 Services and Public Protection, and submit a sale or transfer of  
309 firearms form to said commissioner within two business days, [except  
310 that a person subject to a restraining or protective order or a foreign

311 order of protection may only transfer a pistol, revolver or other firearm  
312 or ammunition under this subdivision to a federally licensed firearms  
313 dealer pursuant to the sale of the pistol, revolver or other firearm and  
314 ammunition to the federally licensed firearms dealer,] or (2) deliver or  
315 surrender such pistols and revolvers and other firearms and  
316 ammunition to the Commissioner of Emergency Services and Public  
317 Protection, or (3) transfer such ammunition to any person eligible to  
318 possess such ammunition. The commissioner shall exercise due care in  
319 the receipt and holding of such pistols and revolvers and other  
320 firearms or ammunition. [For the purposes of this section, a "person  
321 subject to a restraining or protective order or a foreign order of  
322 protection" means a person who knows that such person is subject to  
323 (A) a restraining or protective order of a court of this state that has  
324 been issued against such person, after notice and an opportunity to be  
325 heard has been provided to such person, in a case involving the use,  
326 attempted use or threatened use of physical force against another  
327 person, or (B) a foreign order of protection, as defined in section 46b-  
328 15a, that has been issued against such person in a case involving the  
329 use, attempted use or threatened use of physical force against another  
330 person.]

331 (b) Immediately, but in no event more than twenty-four hours after  
332 notice has been provided to a person subject to a restraining or  
333 protective order or a foreign order of protection, such person shall (1)  
334 transfer any pistol, revolver or other firearm or ammunition which  
335 such person then possesses to a federally licensed firearms dealer  
336 pursuant to the sale of the pistol, revolver or other firearm or  
337 ammunition to the federally licensed firearms dealer, or (2) deliver or  
338 surrender such pistols and revolvers and other firearms and  
339 ammunition to the Commissioner of Emergency Services and Public  
340 Protection. For the purposes of this section, a "person subject to a  
341 restraining or protective order or a foreign order of protection" means  
342 a person who knows that such person is subject to (A) a restraining or  
343 protective order of a court of this state that has been issued against  
344 such person, after notice has been provided to such person, in a case

345 involving the use, attempted use or threatened use of physical force  
346 against another person, or (B) a foreign order of protection, as defined  
347 in section 46b-15a, that has been issued against such person in a case  
348 involving the use, attempted use or threatened use of physical force  
349 against another person.

350 [(b)] (c) Such person, or such person's legal representative, may, at  
351 any time up to one year after such delivery or surrender, transfer such  
352 pistols and revolvers in accordance with the provisions of section 29-33  
353 to any person eligible to possess a pistol or revolver and transfer such  
354 other firearms and ammunition, in accordance with any applicable  
355 state and federal laws, to any person eligible to possess such other  
356 firearms and ammunition, provided any person subject to a restraining  
357 or protective order or a foreign order of protection, or such person's  
358 legal representative, may only transfer such pistol, revolver or other  
359 firearm or ammunition to a federally licensed firearms dealer pursuant  
360 to the sale of the pistol, revolver or other firearm or ammunition to the  
361 federally licensed firearms dealer. Upon notification in writing by the  
362 transferee and such person, the Commissioner of Emergency Services  
363 and Public Protection shall, within ten days, deliver such pistols and  
364 revolvers [or] and other firearms [or] and ammunition to the  
365 transferee. If, at the end of such year, such pistols and revolvers [or]  
366 and other firearms [or] and ammunition have not been so transferred,  
367 the commissioner shall cause them to be destroyed.

368 [(c)] (d) Any person who fails to transfer, deliver or surrender any  
369 such pistols and revolvers and other firearms [or] and ammunition as  
370 provided in this section shall be subject to the penalty provided for in  
371 section 53a-217, as amended by this act, or 53a-217c, as amended by  
372 this act.

373 Sec. 7. Subsection (b) of section 29-28 of the general statutes is  
374 repealed and the following is substituted in lieu thereof (*Effective*  
375 *October 1, 2015*):

376 (b) Upon the application of any person having a bona fide

377 permanent residence within the jurisdiction of any such authority,  
378 such chief of police, warden or selectman may issue a temporary state  
379 permit to such person to carry a pistol or revolver within the state,  
380 provided such authority shall find that such applicant intends to make  
381 no use of any pistol or revolver which such applicant may be  
382 permitted to carry under such permit other than a lawful use and that  
383 such person is a suitable person to receive such permit. No state or  
384 temporary state permit to carry a pistol or revolver shall be issued  
385 under this subsection if the applicant (1) has failed to successfully  
386 complete a course approved by the Commissioner of Emergency  
387 Services and Public Protection in the safety and use of pistols and  
388 revolvers including, but not limited to, a safety or training course in  
389 the use of pistols and revolvers available to the public offered by a law  
390 enforcement agency, a private or public educational institution or a  
391 firearms training school, utilizing instructors certified by the National  
392 Rifle Association or the Department of Energy and Environmental  
393 Protection and a safety or training course in the use of pistols or  
394 revolvers conducted by an instructor certified by the state or the  
395 National Rifle Association, (2) has been convicted of (A) a felony, or (B)  
396 on or after October 1, 1994, a violation of subsection (c) of section 21a-  
397 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,  
398 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for  
399 the commission of a serious juvenile offense, as defined in section 46b-  
400 120, (4) has been discharged from custody within the preceding twenty  
401 years after having been found not guilty of a crime by reason of mental  
402 disease or defect pursuant to section 53a-13, (5) (A) has been confined  
403 in a hospital for persons with psychiatric disabilities, as defined in  
404 section 17a-495, within the preceding sixty months by order of a  
405 probate court, or (B) has been voluntarily admitted on or after October  
406 1, 2013, to a hospital for persons with psychiatric disabilities, as  
407 defined in section 17a-495, within the preceding six months for care  
408 and treatment of a psychiatric disability and not solely for being an  
409 alcohol-dependent person or a drug-dependent person as those terms  
410 are defined in section 17a-680, (6) is subject to a restraining or  
411 protective order issued by a court in a case involving the use,

412 attempted use or threatened use of physical force against another  
413 person, including an ex parte order issued pursuant to section 46b-15,  
414 as amended by this act, or 46b-16a, as amended by this act, (7) is  
415 subject to a firearms seizure order issued pursuant to subsection (d) of  
416 section 29-38c after notice and hearing, (8) is prohibited from shipping,  
417 transporting, possessing or receiving a firearm pursuant to 18 USC  
418 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or  
419 (10) is less than twenty-one years of age. Nothing in this section shall  
420 require any person who holds a valid permit to carry a pistol or  
421 revolver on October 1, 1994, to participate in any additional training in  
422 the safety and use of pistols and revolvers. No person may apply for a  
423 temporary state permit to carry a pistol or revolver more than once  
424 within any twelve-month period, and no temporary state permit to  
425 carry a pistol or revolver shall be issued to any person who has  
426 applied for such permit more than once within the preceding twelve  
427 months. Any person who applies for a temporary state permit to carry  
428 a pistol or revolver shall indicate in writing on the application, under  
429 penalty of false statement in such manner as the issuing authority  
430 prescribes, that such person has not applied for a temporary state  
431 permit to carry a pistol or revolver within the past twelve months.  
432 Upon issuance of a temporary state permit to carry a pistol or revolver  
433 to the applicant, the local authority shall forward the original  
434 application to the commissioner. Not later than sixty days after  
435 receiving a temporary state permit, an applicant shall appear at a  
436 location designated by the commissioner to receive the state permit.  
437 The commissioner may then issue, to any holder of any temporary  
438 state permit, a state permit to carry a pistol or revolver within the state.  
439 Upon issuance of the state permit, the commissioner shall make  
440 available to the permit holder a copy of the law regarding the permit  
441 holder's responsibility to report the loss or theft of a firearm and the  
442 penalties associated with the failure to comply with such law. Upon  
443 issuance of the state permit, the commissioner shall forward a record  
444 of such permit to the local authority issuing the temporary state  
445 permit. The commissioner shall retain records of all applications,  
446 whether approved or denied. The copy of the state permit delivered to

447 the permittee shall be laminated and shall contain a full-face  
448 photograph of such permittee. A person holding a state permit issued  
449 pursuant to this subsection shall notify the issuing authority within  
450 two business days of any change of such person's address. The  
451 notification shall include the old address and the new address of such  
452 person.

453 Sec. 8. Subsection (b) of section 29-36f of the general statutes is  
454 repealed and the following is substituted in lieu thereof (*Effective*  
455 *October 1, 2015*):

456 (b) The Commissioner of Emergency Services and Public Protection  
457 shall issue an eligibility certificate unless said commissioner finds that  
458 the applicant: (1) Has failed to successfully complete a course  
459 approved by the Commissioner of Emergency Services and Public  
460 Protection in the safety and use of pistols and revolvers including, but  
461 not limited to, a safety or training course in the use of pistols and  
462 revolvers available to the public offered by a law enforcement agency,  
463 a private or public educational institution or a firearms training school,  
464 utilizing instructors certified by the National Rifle Association or the  
465 Department of Energy and Environmental Protection and a safety or  
466 training course in the use of pistols or revolvers conducted by an  
467 instructor certified by the state or the National Rifle Association; (2)  
468 has been convicted of a felony or of a violation of subsection (c) of  
469 section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-  
470 96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as  
471 delinquent for the commission of a serious juvenile offense, as defined  
472 in section 46b-120; (4) has been discharged from custody within the  
473 preceding twenty years after having been found not guilty of a crime  
474 by reason of mental disease or defect pursuant to section 53a-13; (5) (A)  
475 has been confined in a hospital for persons with psychiatric  
476 disabilities, as defined in section 17a-495, within the preceding sixty  
477 months by order of a probate court; or (B) has been voluntarily  
478 admitted on or after October 1, 2013, to a hospital for persons with  
479 psychiatric disabilities, as defined in section 17a-495, within the

480 preceding six months for care and treatment of a psychiatric disability  
481 and not solely for being an alcohol-dependent person or a drug-  
482 dependent person as those terms are defined in section 17a-680; [ ] (6)  
483 is subject to a restraining or protective order issued by a court in a case  
484 involving the use, attempted use or threatened use of physical force  
485 against another person, including an ex parte order issued pursuant to  
486 section 46b-15, as amended by this act, or 46b-16a, as amended by this  
487 act; (7) is subject to a firearms seizure order issued pursuant to  
488 subsection (d) of section 29-38c after notice and hearing; (8) is  
489 prohibited from shipping, transporting, possessing or receiving a  
490 firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or  
491 unlawfully in the United States.

492 Sec. 9. Subsection (b) of section 29-37p of the general statutes is  
493 repealed and the following is substituted in lieu thereof (*Effective*  
494 *October 1, 2015*):

495 (b) The Commissioner of Emergency Services and Public Protection  
496 shall issue a long gun eligibility certificate unless said commissioner  
497 finds that the applicant: (1) Has failed to successfully complete a  
498 course approved by the Commissioner of Emergency Services and  
499 Public Protection in the safety and use of firearms including, but not  
500 limited to, a safety or training course in the use of firearms available to  
501 the public offered by a law enforcement agency, a private or public  
502 educational institution or a firearms training school, utilizing  
503 instructors certified by the National Rifle Association or the  
504 Department of Energy and Environmental Protection and a safety or  
505 training course in the use of firearms conducted by an instructor  
506 certified by the state or the National Rifle Association; (2) has been  
507 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation  
508 of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a,  
509 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has  
510 been convicted as delinquent for the commission of a serious juvenile  
511 offense, as defined in section 46b-120; (4) has been discharged from  
512 custody within the preceding twenty years after having been found



513 not guilty of a crime by reason of mental disease or defect pursuant to  
514 section 53a-13; (5) has been confined in a hospital for persons with  
515 psychiatric disabilities, as defined in section 17a-495, within the  
516 preceding sixty months by order of a probate court; (6) has been  
517 voluntarily admitted to a hospital for persons with psychiatric  
518 disabilities, as defined in section 17a-495, within the preceding six  
519 months for care and treatment of a psychiatric disability and not solely  
520 for being an alcohol-dependent person or a drug-dependent person as  
521 those terms are defined in section 17a-680; (7) is subject to a restraining  
522 or protective order issued by a court in a case involving the use,  
523 attempted use or threatened use of physical force against another  
524 person, including an ex parte order issued pursuant to section 46b-15,  
525 as amended by this act, or 46b-16a, as amended by this act; (8) is  
526 subject to a firearms seizure order issued pursuant to subsection (d) of  
527 section 29-38c after notice and hearing; (9) is prohibited from shipping,  
528 transporting, possessing or receiving a firearm pursuant to 18 USC  
529 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

530 Sec. 10. Section 29-32 of the general statutes is repealed and the  
531 following is substituted in lieu thereof (*Effective October 1, 2015*):

532 (a) For the purposes of this section, "conviction" means the entry of a  
533 judgment of conviction by any court of competent jurisdiction.

534 (b) Any state permit or temporary state permit for the carrying of  
535 any pistol or revolver may be revoked by the Commissioner of  
536 Emergency Services and Public Protection for cause and shall be  
537 revoked by said commissioner upon conviction of the holder of such  
538 permit of a felony or of any misdemeanor specified in subsection (b) of  
539 section 29-28, as amended by this act, or upon the occurrence of any  
540 event which would have disqualified the holder from being issued the  
541 state permit or temporary state permit pursuant to subsection (b) of  
542 section 29-28, as amended by this act. Upon the revocation of any state  
543 permit or temporary state permit, the person whose state permit or  
544 temporary state permit is revoked shall be notified in writing and such  
545 state permit or temporary state permit shall be forthwith delivered to

546 the commissioner. Any law enforcement authority shall confiscate and  
547 immediately forward to the commissioner any state permit or  
548 temporary state permit that is illegally possessed by any person. The  
549 commissioner may revoke the state permit or temporary state permit  
550 based upon the commissioner's own investigation or upon the request  
551 of any law enforcement agency. Any person who fails to surrender any  
552 permit within five days of notification in writing of revocation thereof  
553 shall be guilty of a class A misdemeanor.

554 (c) Any local permit for the carrying of a pistol or revolver issued  
555 prior to October 1, 2001, may be revoked by the authority issuing the  
556 same for cause, and shall be revoked by the authority issuing the same  
557 upon conviction of the holder of such permit of a felony or of any  
558 misdemeanor specified in subsection (b) of section 29-28, as amended  
559 by this act, or upon the occurrence of any event which would have  
560 disqualified the holder from being issued such local permit. Upon the  
561 revocation of any local permit, the person whose local permit is  
562 revoked shall be notified in writing and such permit shall be forthwith  
563 delivered to the authority issuing the same. Upon the revocation of  
564 any local permit, the authority issuing the same shall forthwith notify  
565 the commissioner. Upon the revocation of any permit issued by the  
566 commissioner, the commissioner shall forthwith notify any local  
567 authority which the records of the commissioner show as having  
568 issued a currently valid local permit to the holder of the permit  
569 revoked by the commissioner. Any person who fails to surrender such  
570 permit within five days of notification in writing or revocation thereof  
571 shall be guilty of a class A misdemeanor.

572 (d) If a state permit or temporary state permit for the carrying of any  
573 pistol or revolver is revoked because the person holding such permit is  
574 subject to an ex parte order issued pursuant to section 46b-15, as  
575 amended by this act, or 46b-16a, as amended by this act, upon  
576 expiration of such order, such person may notify the Department of  
577 Emergency Services and Public Protection that such order has expired.  
578 Upon verification of such expiration and provided such person is not

579 otherwise disqualified from holding such permit pursuant to  
580 subsection (b) of section 29-28, as amended by this act, the department  
581 shall reinstate such permit.

582 Sec. 11. Section 29-36i of the general statutes is repealed and the  
583 following is substituted in lieu thereof (*Effective October 1, 2015*):

584 (a) Any eligibility certificate for a pistol or revolver shall be revoked  
585 by the Commissioner of Emergency Services and Public Protection  
586 upon the occurrence of any event which would have disqualified the  
587 holder from being issued the certificate pursuant to section 29-36f, as  
588 amended by this act.

589 (b) Upon the revocation of any eligibility certificate, the person  
590 whose eligibility certificate is revoked shall be notified in writing and  
591 such certificate shall be forthwith delivered to the Commissioner of  
592 Emergency Services and Public Protection. Any person who fails to  
593 surrender such certificate within five days of notification in writing of  
594 revocation thereof shall be guilty of a class A misdemeanor.

595 (c) If an eligibility certificate for a pistol or revolver is revoked  
596 because the person holding such certificate is subject to an ex parte  
597 order issued pursuant to section 46b-15, as amended by this act, or  
598 46b-16a, as amended by this act, upon expiration of such order, such  
599 person may notify the Department of Emergency Services and Public  
600 Protection that such order has expired. Upon verification of such  
601 expiration and provided such person is not otherwise disqualified  
602 from holding such certificate pursuant to section 29-36f, as amended  
603 by this act, the department shall reinstate such certificate.

604 Sec. 12. Section 29-37s of the general statutes is repealed and the  
605 following is substituted in lieu thereof (*Effective October 1, 2015*):

606 (a) A long gun eligibility certificate shall be revoked by the  
607 Commissioner of Emergency Services and Public Protection upon the  
608 occurrence of any event which would have disqualified the holder  
609 from being issued the certificate pursuant to section 29-37p, as

610 amended by this act.

611 (b) Upon the revocation of any long gun eligibility certificate, the  
612 person whose certificate is revoked shall be notified, in writing, and  
613 such certificate shall be forthwith delivered to the Commissioner of  
614 Emergency Services and Public Protection. Any person who fails to  
615 surrender such certificate within five days of notification, in writing, of  
616 revocation thereof shall be guilty of a class A misdemeanor.

617 (c) If a long gun eligibility certificate is revoked because the person  
618 holding such certificate is subject to an ex parte order issued pursuant  
619 to section 46b-15, as amended by this act, or 46b-16a, as amended by  
620 this act, upon expiration of such order, such person may notify the  
621 Department of Emergency Services and Public Protection that such  
622 order has expired. Upon verification of such expiration and provided  
623 such person is not otherwise disqualified from holding such certificate  
624 pursuant to section 29-37p, as amended by this act, the department  
625 shall reinstate such certificate.

626 Sec. 13. Section 29-38p of the general statutes is repealed and the  
627 following is substituted in lieu thereof (*Effective October 1, 2015*):

628 (a) An ammunition certificate shall be revoked by the Commissioner  
629 of Emergency Services and Public Protection upon the occurrence of  
630 any event which would have disqualified the holder from being issued  
631 the certificate pursuant to section 29-38n.

632 (b) Upon the revocation of any ammunition certificate, the person  
633 whose certificate is revoked shall be notified, in writing, and such  
634 certificate shall be forthwith delivered to the Commissioner of  
635 Emergency Services and Public Protection. Any person who fails to  
636 surrender such certificate within five days of notification, in writing, of  
637 revocation thereof shall be guilty of a class A misdemeanor.

638 (c) If an ammunition certificate is revoked because the person  
639 holding such certificate is subject to an ex parte order issued pursuant  
640 to section 46b-15, as amended by this act, or 46b-16a, as amended by

641 this act, upon expiration of such order, such person may notify the  
642 Department of Emergency Services and Public Protection that such  
643 order has expired. Upon verification of such expiration and provided  
644 such person is not otherwise disqualified from holding such certificate  
645 pursuant to section 29-38n, the department shall reinstate such  
646 certificate.

647 Sec. 14. Subsection (d) of section 46b-16a of the general statutes is  
648 repealed and the following is substituted in lieu thereof (*Effective*  
649 *October 1, 2015*):

650 (d) The applicant shall cause notice of the hearing pursuant to  
651 subsection (b) of this section and a copy of the application and the  
652 applicant's affidavit and of any ex parte order issued pursuant to  
653 subsection (b) of this section to be served by a proper officer on the  
654 respondent not less than five days before the hearing. The cost of such  
655 service shall be paid for by the Judicial Branch. Upon the granting of  
656 an ex parte order, the clerk of the court shall provide two copies of the  
657 order to the applicant. Upon the granting of an order after notice and  
658 hearing, the clerk of the court shall provide two copies of the order to  
659 the applicant and a copy to the respondent. Every order of the court  
660 made in accordance with this section after notice and hearing shall be  
661 accompanied by a notification that is consistent with the full faith and  
662 credit provisions set forth in 18 USC 2265(a), as amended from time to  
663 time. Immediately after making service on the respondent, the proper  
664 officer shall send or cause to be sent, by facsimile or other means, a  
665 copy of the application, or the information contained in such  
666 application, stating the date and time the respondent was served, to  
667 the law enforcement agency or agencies for the town in which the  
668 applicant resides, the town in which the applicant is employed and the  
669 town in which the respondent resides. The clerk of the court shall  
670 send, by facsimile or other means, a copy of any ex parte order and of  
671 any order after notice and hearing, or the information contained in any  
672 such order, to the law enforcement agency or agencies for the town in  
673 which the applicant resides, the town in which the applicant is

674 employed and the town in which the respondent resides, not later than  
675 forty-eight hours after the issuance of such order, and immediately to  
676 the Commissioner of Emergency Services and Public Protection. If the  
677 applicant is enrolled in a public or private elementary or secondary  
678 school, including a technical high school, or an institution of higher  
679 education, as defined in section 10a-55, the clerk of the court shall,  
680 upon the request of the applicant, send, by facsimile or other means, a  
681 copy of such ex parte order or of any order after notice and hearing, or  
682 the information contained in any such order, to such school or  
683 institution of higher education, the president of any institution of  
684 higher education at which the applicant is enrolled and the special  
685 police force established pursuant to section 10a-142, if any, at the  
686 institution of higher education at which the applicant is enrolled.

687 Sec. 15. Section 53a-217 of the general statutes is repealed and the  
688 following is substituted in lieu thereof (*Effective October 1, 2015*):

689 (a) A person is guilty of criminal possession of a firearm,  
690 ammunition or an electronic defense weapon when such person  
691 possesses a firearm, ammunition or an electronic defense weapon and  
692 (1) has been convicted of a felony committed prior to, on or after  
693 October 1, 2013, or of a violation of subsection (c) of section 21a-279 or  
694 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,  
695 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been  
696 convicted as delinquent for the commission of a serious juvenile  
697 offense, as defined in section 46b-120, (3) has been discharged from  
698 custody within the preceding twenty years after having been found  
699 not guilty of a crime by reason of mental disease or defect pursuant to  
700 section 53a-13, (4) knows that such person is subject to (A) a  
701 restraining or protective order of a court of this state that has been  
702 issued against such person, after notice [and an opportunity to be  
703 heard] has been provided to such person, in a case involving the use,  
704 attempted use or threatened use of physical force against another  
705 person, or (B) a foreign order of protection, as defined in section 46b-  
706 15a, that has been issued against such person in a case involving the

707 use, attempted use or threatened use of physical force against another  
708 person, (5) (A) has been confined on or after October 1, 2013, in a  
709 hospital for persons with psychiatric disabilities, as defined in section  
710 17a-495, within the preceding sixty months by order of a probate court,  
711 or with respect to any person who holds a valid permit or certificate  
712 that was issued or renewed under the provisions of section 29-28, as  
713 amended by this act, or 29-36f, as amended by this act, in effect prior to  
714 October 1, 2013, such person has been confined in such hospital within  
715 the preceding twelve months, or (B) has been voluntarily admitted on  
716 or after October 1, 2013, to a hospital for persons with psychiatric  
717 disabilities, as defined in section 17a-495, within the preceding six  
718 months for care and treatment of a psychiatric disability and not solely  
719 for being an alcohol-dependent person or a drug-dependent person as  
720 those terms are defined in section 17a-680, (6) knows that such person  
721 is subject to a firearms seizure order issued pursuant to subsection (d)  
722 of section 29-38c after notice and an opportunity to be heard has been  
723 provided to such person, or (7) is prohibited from shipping,  
724 transporting, possessing or receiving a firearm pursuant to 18 USC  
725 922(g)(4). For the purposes of this section, "convicted" means having a  
726 judgment of conviction entered by a court of competent jurisdiction,  
727 "ammunition" means a loaded cartridge, consisting of a primed case,  
728 propellant or projectile, designed for use in any firearm, and a motor  
729 vehicle violation for which a sentence to a term of imprisonment of  
730 more than one year may be imposed shall be deemed an unclassified  
731 felony.

732 (b) Criminal possession of a firearm, ammunition or an electronic  
733 defense weapon is a class C felony, for which two years of the sentence  
734 imposed may not be suspended or reduced by the court, and five  
735 thousand dollars of the fine imposed may not be remitted or reduced  
736 by the court unless the court states on the record its reasons for  
737 remitting or reducing such fine.

738 Sec. 16. Section 53a-217c of the general statutes is repealed and the  
739 following is substituted in lieu thereof (*Effective October 1, 2015*):

740 (a) A person is guilty of criminal possession of a pistol or revolver  
741 when such person possesses a pistol or revolver, as defined in section  
742 29-27, and (1) has been convicted of a felony committed prior to, on or  
743 after October 1, 2013, or of a violation of subsection (c) of section 21a-  
744 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,  
745 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2)  
746 has been convicted as delinquent for the commission of a serious  
747 juvenile offense, as defined in section 46b-120, (3) has been discharged  
748 from custody within the preceding twenty years after having been  
749 found not guilty of a crime by reason of mental disease or defect  
750 pursuant to section 53a-13, (4) (A) has been confined prior to October  
751 1, 2013, in a hospital for persons with psychiatric disabilities, as  
752 defined in section 17a-495, within the preceding twelve months by  
753 order of a probate court, or has been confined on or after October 1,  
754 2013, in a hospital for persons with psychiatric disabilities, as defined  
755 in section 17a-495, within the preceding sixty months by order of a  
756 probate court, or, with respect to any person who holds a valid permit  
757 or certificate that was issued or renewed under the provisions of  
758 section 29-28, as amended by this act, or 29-36f, as amended by this act,  
759 in effect prior to October 1, 2013, such person has been confined in  
760 such hospital within the preceding twelve months, or (B) has been  
761 voluntarily admitted on or after October 1, 2013, to a hospital for  
762 persons with psychiatric disabilities, as defined in section 17a-495,  
763 within the preceding six months for care and treatment of a psychiatric  
764 disability and not solely for being an alcohol-dependent person or a  
765 drug-dependent person as those terms are defined in section 17a-680,  
766 (5) knows that such person is subject to (A) a restraining or protective  
767 order of a court of this state that has been issued against such person,  
768 after notice [and an opportunity to be heard] has been provided to  
769 such person, in a case involving the use, attempted use or threatened  
770 use of physical force against another person, or (B) a foreign order of  
771 protection, as defined in section 46b-15a, that has been issued against  
772 such person in a case involving the use, attempted use or threatened  
773 use of physical force against another person, (6) knows that such  
774 person is subject to a firearms seizure order issued pursuant to



775 subsection (d) of section 29-38c after notice and an opportunity to be  
 776 heard has been provided to such person, (7) is prohibited from  
 777 shipping, transporting, possessing or receiving a firearm pursuant to  
 778 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United  
 779 States. For the purposes of this section, "convicted" means having a  
 780 judgment of conviction entered by a court of competent jurisdiction.

781 (b) Criminal possession of a pistol or revolver is a class C felony, for  
 782 which two years of the sentence imposed may not be suspended or  
 783 reduced by the court, and five thousand dollars of the fine imposed  
 784 may not be remitted or reduced by the court unless the court states on  
 785 the record its reasons for remitting or reducing such fine.

786 Sec. 17. Subsection (b) of section 29-36n of the general statutes is  
 787 repealed and the following is substituted in lieu thereof (*Effective*  
 788 *October 1, 2015*):

789 (b) The Commissioner of Emergency Services and Public Protection,  
 790 in conjunction with the Chief State's Attorney and the Connecticut  
 791 Police Chiefs Association, shall update the protocol developed  
 792 pursuant to subsection (a) of this section to reflect the provisions of  
 793 sections 29-7h, 29-28, as amended by this act, 29-28a, 29-29, 29-30, 29-  
 794 32, as amended by this act, and 29-35, subsections (b) and [(g)] (h) of  
 795 section 46b-15, as amended by this act, subsections (c) and (d) of  
 796 section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217, as  
 797 amended by this act, and shall include in such protocol specific  
 798 instructions for the transfer, delivery or surrender of pistols and  
 799 revolvers and other firearms and ammunition when the assistance of  
 800 more than one law enforcement agency is necessary to effect the  
 801 requirements of section 29-36k, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	6-32
Sec. 2	<i>October 1, 2015</i>	6-38b(j)
Sec. 3	<i>October 1, 2015</i>	46b-15

Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	29-36k
Sec. 7	<i>October 1, 2015</i>	29-28(b)
Sec. 8	<i>October 1, 2015</i>	29-36f(b)
Sec. 9	<i>October 1, 2015</i>	29-37p(b)
Sec. 10	<i>October 1, 2015</i>	29-32
Sec. 11	<i>October 1, 2015</i>	29-36i
Sec. 12	<i>October 1, 2015</i>	29-37s
Sec. 13	<i>October 1, 2015</i>	29-38p
Sec. 14	<i>October 1, 2015</i>	46b-16a(d)
Sec. 15	<i>October 1, 2015</i>	53a-217
Sec. 16	<i>October 1, 2015</i>	53a-217c
Sec. 17	<i>October 1, 2015</i>	29-36n(b)